

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BILLY HOWARD,
Plaintiff,
v.
KERN COUNTY LERDO FACILITY
MEDICAL CHIEF, et al.,
Defendants.

Case No. 1:21-cv-00931 JLT CDB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE**

(Doc. 55)

Billy Howard initiated this action, seeking to hold the defendants liable for violations of his civil rights while housed at the Kern County Lerdo Facility. (*See generally* Doc. 1.) The assigned magistrate judge found Plaintiff failed to prosecute his action and failed to comply with the Local Rule requiring him to keep the Court informed of his current mailing address. (Doc. 55 at 2.) After considering the factors identified by the Ninth Circuit, the magistrate judge found terminating sanctions are appropriate and recommended the case be dismissed without prejudice. (*Id.* at 2-5.)

The Court served the Findings and Recommendations on the Plaintiff at the only address on record for him. The Postal Service returned the Findings and Recommendations marked “Undeliverable, Not in Custody” on November 4, 2024. According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.

1 Thus, the Court **ORDERS**:

- 2 1. The Findings and Recommendations issued on October 15, 2024 (Doc. 55) are
3 **ADOPTED** in full.
4 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to obey this
5 Court's Local Rules and failure to prosecute.
6 3. The Clerk of Court shall terminate any pending motions and close this case.

7 IT IS SO ORDERED.

8 Dated: November 5, 2024


UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28